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Attorney for Defendant
CLAYTON HOWARD

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLAYTON HOWARD,

Defendant.

Case No.: 2:20-cr-090 TLN

STIPULATION AND ORDER SETTING
STATUS CONFERENCE AND
EXCLUDING TIME UNDER THE SPEEDY
TRIAL ACT

Date: January 27, 2022
Time: 9:30 a.m.
Court: Hon. Troy L. Nunley

Plaintiff United States of America by and through Assistant United States Attorney
Cameron Desmond, and Attorney Todd Leras on behalf of Defendant Clayton Howard, stipulate
as follows:

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- 1 1. This matter was reassigned from Senior United States District Judge Morrison C.
2 England, Jr. by Minute Order (ECF Entry 29) to this Court on November 9, 2021.
3 The parties thereafter, pursuant to the terms of the Minute Order, set a status
4 conference before this Court on January 27, 2022. By this stipulation, the defense
5 requests to continue the status conference to March 31, 2022.
6
- 7 2. This case involves a felon in possession of ammunition charge stemming from
8 execution of a search warrant in San Joaquin County. The government has provided
9 written reports related to execution of the search warrant to defense counsel as
10 discovery materials.
11
- 12 3. The government provided defense counsel and his investigator an opportunity to
13 inspect evidence, in response to a defense request, of various items held at the
14 Sacramento Drug Enforcement Administration Office on December 16, 2021. The
15 defense has further requested the opportunity to inspect additional items being held
16 by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). Inspection of
17 the items being held by ATF has not yet been completed. To allow time for such
18 inspection to occur, defense counsel requests to continue this matter to March 31,
19 2022. The government does not oppose the request.
20
- 21 4. Defendant Howard is currently being held in pre-trial detention at the Sacramento
22 County Main Jail. As of the date of this stipulation, the floor and pod where
23 Defendant Howard is housed is closed to visitation due to pandemic mitigation
24 restrictions. These restrictions impede the ability of defense counsel to complete
25 client meetings regarding the results of evidence inspection. It is anticipated that the
26 client meetings regarding the results of evidence inspection. It is anticipated that the
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- 1 additional time requested will provide an opportunity for such meetings with defense
2 counsel and Mr. Howard to be completed.
- 3 5. Given the need for additional time to conduct ongoing and future defense
4 investigation, Defendant Howard requests to exclude time between January 27, 2022
5 and March 31, 2022, inclusive, under Local Code T-4.
- 6 6. Attorney Todd Leras represents and believes that failure to grant additional time as
7 requested would deny Defendant Howard the reasonable time necessary for effective
8 preparation, considering the exercise of due diligence.
- 9 7. Based on the above-stated facts, Defendant Howard requests that the Court find that
10 the ends of justice served by continuing the case as requested outweigh the best
11 interest of the public and the Defendant in a trial within the time prescribed by the
12 Speedy Trial Act.
- 13 8. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et*
14 *seq.*, within which trial must commence, the time period of January 27, 2022 to
15 March 31, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. §
16 3161(h)(7)(A), and (B) (iv) [Local Code T-4] because it results from a continuance
17 granted by the Court at Defendant Howard's request on the basis that the ends of
18 justice served by taking such action outweigh the best interest of the public and the
19 Defendant in a speedy trial.
- 20 9. Nothing in this stipulation and order shall preclude a finding that other provisions of
21 the Speedy Trial Act dictate that additional time periods are excludable from the
22 period within which a trial must commence.
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Assistant U.S. Attorney Cameron Desmond has reviewed this proposed order and authorized Todd Leras via email to sign it on her behalf.

DATED: January 24, 2022

PHILLIP A. TALBERT
Acting United States Attorney

By /s/ Todd D. Leras for
CAMERON DESMOND
Assistant United States Attorney

DATED: January 24, 2022

By /s/ Todd D. Leras
TODD D. LERAS
Attorney for Defendant
CLAYTON HOWARD

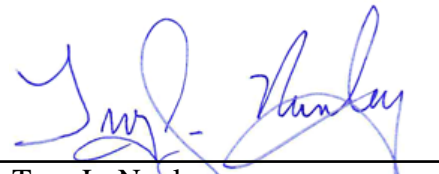
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ORDER

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is hereby ordered that the status conference, scheduled for January 27, 2022, is vacated. A new status conference in this matter is scheduled for March 31, 2022, at 9:30 a.m. The Court further finds, based on the representations of the parties and Defendant Howard's request, that the ends of justice served by granting the continuance outweigh the best interests of the public and the Defendant in a speedy trial. Time shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(iv) and Local Code T-4, to allow necessary attorney preparation taking into consideration the exercise of due diligence for the period from January 27, 2022, up to and including March 31, 2022.

IT IS SO ORDERED.

DATED: January 25, 2022


Troy L. Nunley
United States District Judge

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